

# REPORT FOR INFORMATION

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>9<sup>th</sup> October 2018</b>
<b>SUBJECT:</b>	<b>PLANNING ENFORCEMENT</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO – HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL (NON KEY DECISION) COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This Report provides statistical information on Enforcement activity between 1 <sup>st</sup> April 2018 and 30 <sup>th</sup> June 2018.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to note the Report
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>No</b>
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management N/A
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	<b>No</b> (see paragraph below)
<b>Considered by Monitoring Officer:</b>	<b>Yes</b> <b>Comments</b>

<b>Wards Affected:</b>	ALL
<b>Scrutiny Interest:</b>	N/A

## TRACKING/PROCESS

## DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

## 1.0 BACKGROUND

This report presents a brief analysis of Enforcement performance and activity for the period between 1<sup>st</sup> April 2018 and 30<sup>th</sup> June 2018 and includes table 1 (below) showing a statistical analysis of performance over that period.

All Enforcement Notices served and Actions taken are considered against the provisions of the Human Rights Act 1998. In taking account of whether to serve an Enforcement Notice or take Action, which is a discretionary power afforded to Councils under the Town and Country Planning Act 1990 (as amended), consideration is taken as to whether the individual's rights are affected and whether it is expedient to serve such a Notice or take Action against the individual.

Any Enforcement Notice served is considered as to whether it is expedient to do so in accordance with the Council's adopted Unitary Development Plan, National Planning Policy Framework and National Planning Policy Guidance.

Table 1 provides a detailed breakdown of the number and type of notice issued and other actions such as prosecutions during the quarter period. It also includes a performance standard in terms of the speed of the responses to initial site visits having been carried out.

Table 1

	<b>Period 1/04/18 to 30/06/18</b>
Number of Complaints received	<b>122</b>
% where initial site visit within 10 working days	<b>90.16%</b> (average time to visit 3 working days)
Number of complaints resulting in a breach of Planning Control	<b>71</b>
Number of Enforcement Notices served	<b>3</b>
Number of Stop Notices served	<b>0</b>
Number of Breach of Condition Notices served	<b>0</b>
Number of Section 215 Untidy land/building Notices served	<b>0</b>
Number of Temporary Stop Notices served	<b>1</b>
Number of Planning Contravention Notices served	<b>1</b>
Number of Injunctions served	<b>0</b>
Number of Prosecutions made	<b>0</b>
Number of Prosecutions referred to Legal for Prosecution	<b>0</b>
Number of Formal Cautions issued / Interviews Under Caution	<b>0</b>
Number of Works in Default actions taken	<b>0</b>
Number of High Hedges Remedial/Tree Replacement Notices served	<b>0</b>
<b>Total Number of Notices/Actions</b>	<b>5</b>

## 2.0 ISSUES

### CURRENT STAFFING LEVELS AND WORKING ARRANGEMENTS

The Enforcement Team currently comprises of a Senior Planning Enforcement Officer and a Planning Enforcement Officer, who are employed full time. The Officers deal with complaint cases on a Borough wide basis, in accordance with the Council's Customer Charter for the Planning Enforcement Service.

### 3.0 WORKLOAD/COMPLAINT CASES RECEIVED AND TRENDS IDENTIFIED

Table 1 above sets out statistical information for the period 1<sup>st</sup> April 2018 to the 30<sup>th</sup> June 2018.

During this period, we received 122 complaints that required a formal investigation, this number is above average compared to previous quarters.

Out of the 122 complaints 71 resulted in breaches of planning control following investigation, again this is above average. The number of complaints where an initial site visit was carried out within 10 working days remains high at 90.16%, with the average number of working days taken to make an initial site visit being 3.

### **3.1 FORMAL NOTICES SERVED/ACTIONS TAKEN**

Some notable cases which have resulted in formal action being taken during this quarter include: -

**Land at Kirklees Street, Tottington** – Complaints were received regarding an engineering operation to create a vehicular access, which included removing vegetation, excavation and the creation of a hardstanding surface. An Enforcement Notice was served in June 2018, an appeal has been lodged with the Planning Inspectorate by the appellant which is ongoing, the result of which will be reported in a later quarterly enforcement report.

#### **Ainsworth Mill, Bury New Road, Radcliffe**

It was brought to the Council's attention that an extension to an existing, separate industrial building, located within the grounds of Ainsworth Mill was being extended without the benefit of planning permission. The building in question did have planning permission granted in 2011 for an extension but pre-commencement conditions were not discharged. As such the permission had lapsed. A Temporary Stop Notice was served requiring the works to cease, the notice was complied with.

### **Enforcement Appeal Decisions**

**96 Scholes Street, Bury** – This site is a corner plot and is part of a row of terrace dwellings, complaints were received regarding the construction of a single story rear extension that covered the entire rear yard area of the property. Following an enforcement investigation, a retrospective planning application was submitted, for consideration, and subsequently refused. An Enforcement was served in January 2018 requiring the demolition of the extension, an appeal was made against this notice to the Planning Inspectorate and the appeal decision was received within this quarter. The appeal was dismissed and the enforcement notice upheld. A further planning application has been submitted for a much smaller extension which is recommended for approval.

Members will also be interested in other complaints received during the period, please see Appendix 1 for the full list of complaints formally investigated during this quarter.

### **4.0 CONCLUSION**

A total of 5 formal notices were served this quarter but the vast majority of cases were resolved without recourse to formal action. On average initial site visits were carried out within 3 days and the number of cases resulting in a breach of planning control was above average compared with previous quarters.

The need to thoroughly investigate complaints, draft and issue the formal notices, monitor existing enforcement notices served for compliance, prepare appeal statements is continuing to have a big impact on the workload of the Enforcement Team.

The service provided is primarily a reactive one in that we respond to complaints received from members of the public.

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## **Appendix 1 – List of Enforcement complaints received between 01/04/2018 and the 30/06/2018**

### **Contact Details:-**

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Regulation and Resources  
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## Appendix 1: Enforcement Complaints received between 01/04/2018 and 30/06/2018

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18/0092	LPS	1 Audlum Court, Bury, BL9 7PN
10/04/2018		Addition of first floor side window not on approved plans for application 59901
18/0122	LPS	1 Kenmor Avenue, Bury, BL8 2DY
01/05/2018		Alterations to front dormer
18/0113	LPS	1 Parkhills Close, Bury, BL9 9HB
25/04/2018		Pollarding tree at No.1. Trees on opposite side cut back too.
18/0137	LPS	10 Keighley Close, Bury, BL8 2JY
10/05/2018		Chimney built on rear extension
18/0194	PK	10 Ringley Road, Whitefield, Manchester, M45 7LB
25/06/2018		Not being built in accordance with approved plans
18/0168	LPS	10 St Margarets Close, Prestwich, Manchester, M25 2LY
06/06/2018		Untidy land
18/0085	MH	106 Park Road, Prestwich, Manchester, M25 0DY
05/04/2018		Conversion of residential house to 6 no. apartments without any discharge of conditions
18/0141	LPS	11 Rudgwick Drive, Bury, BL8 1YA
14/05/2018		Erection of shed in rear garden
18/0172	LPS	119 Cornwall Drive, Bury, BL9 9EX
11/06/2018		Untidy land and building
18/0115	LPS	12 Victoria Street, Ramsbottom, Bury, BL0 9ED
26/04/2018		Works not according to plan
18/0125	MH	133 Thatch Leach Lane, Whitefield, Manchester, M45 6EP
02/05/2018		New Residential Unit
18/0083	MH	135a Rectory Lane, Prestwich, Manchester, M25 1DA
05/04/2018		'To let' sign which sholud have been previously removed
18/0147	LPS	14 Price Street, Bury, BL9 9EB
16/05/2018		Dormer at rear
18/0197	PK	147 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DG
26/06/2018		Decking at rear

18/0132	MH	148 Outwood Road, Radcliffe, Manchester, M26 1BG
08/05/2018		Change of use to restaurant
18/0186	PK	15 Sedgley Park Road, Prestwich, Manchester, M25 0BJ
20/06/2018		Cutting down protected trees
18/0105	MH	15 Warwick Avenue, Whitefield, Manchester, M45 6TU
19/04/2018		Development at rear
18/0149	LPS	16 Harris Drive, Bury, BL9 8PS
18/05/2018		Large structure in rear garden
18/0170	LPS	161 Simister Lane, Prestwich, Manchester, M25 2SF
07/06/2018		Erection of outbuilding
18/0165	LPS	17 Inman Street, Bury, BL9 0TP
05/06/2018		Change of use from dwelling to HMO (9-12 people)
18/0161	LPS	2 Booth Way, Tottington, Bury, BL8 3JL
30/05/2018		Untidy Land
18/0086	LPS	2 Bowland Close, Bury, BL8 3DJ
09/04/2018		Erection of fencing
18/0136	LPS	2 Five Acre Barn, Watling Street, Tottington, Bury, BL8 3QW
10/05/2018		Not built according to plan re. garage
18/0118	LPS	2 Silverdale Close, Bury, BL9 9GE
27/04/2018		Erection of extension
18/0097	MH	20 Cuckoo Lane, Prestwich, Manchester, M25 2TD
11/04/2018		Erection of 7no. signs at property
18/0183	LPS	21 Riverbank Drive, Bury, BL8 1UR
18/06/2018		Making furniture and selling cars from residential dwelling
18/0153	LPS	216 Alfred Street, Bury, BL9 9EJ
23/05/2018		Change of use from dwelling house (C3) to bed and breakfast (C1)
18/0198	LPS	22 Deyne Avenue, Prestwich, Manchester, M25 1EJ
27/06/2018		Building works to garage and rear of property
18/0201	PK	220 Rochdale Road, Pimhole, Bury, BL9 7HP
29/06/2018		Change of use to dog breeders and erection of outbuildings

18/0200	PK	222 Gigg Lane, Bury, BL9 9EW
29/06/2018		Satellite dish in rear garden
18/0171	PK	227 Bury Old Road, Prestwich, Manchester, M25 1JE
07/06/2018		Not built according to plan
18/0184	PK	24 Hillsborough Drive, Bury, BL9 8LF
19/06/2018		Erection of outbuilding
18/0145	LPS	24 York Avenue, Prestwich, Manchester, M25 0FZ
15/05/2018		Erection of outbuilding and raised platform
18/0177	LPS	25 Quakers Field, Tottington, Bury, BL8 4AZ
13/06/2018		Extension(s)at the property
18/0160	LPS	26 Lomond Drive, Bury, BL8 1UL
29/05/2018		Erection of fencing
18/0151	LPS	27 Wroxham Close, Bury, BL8 1EN
21/05/2018		Erection of wooden building in rear garden
18/0158	LPS	29 Bowes Close, Bury, BL8 1UA
25/05/2018		Running food business from home
18/0101	MH	3 The Terrace, Prestwich, Manchester, M25 1FD
18/04/2018		Untidy land
18/0193	PK	30 Orwell Close, Bury, BL8 1UU
25/06/2018		Single storey rear extension
18/0110	LPS	33 Raymond Avenue, Bury, BL9 6NN
20/04/2018		Change of use from dwelling house to 4 no. self contained flats
18/0196	LPS	34 Croft Lane, Bury, BL9 8BX
26/06/2018		Creation of access on to a classified road
18/0164	LPS	344 Hollins Lane, Bury, BL9 8BS
05/06/2018		Breach of condion no. 2 of planning permission 60625 - erection of bamboo screen
18/0104	LPS	4 Mile Lane, Bury, BL8 2DS
19/04/2018		Large container at side of property
18/0159	LPS	4 Norwood, Prestwich, Manchester, M25 9WA
29/05/2018		Not being built in accordance with the approved plans (61580)



18/0182	LPS	4 Victor Avenue, Bury, BL9 5EB
15/06/2018		Erection of outbuilding
18/0088	MH	424 Bury Old Road, Prestwich, Manchester, M25 1PR
09/04/2018		Breach of condition no. 2 of planning application 62134
18/0154	LPS	42A Cornwall Drive, Bury, BL9 9EU
23/05/2018		Change of use from dwelling house (C3) to bed and breakfast (C1)
18/0202	PK	46 Mount Pleasant, Nangreaves, Bury, BL9 6SR
29/06/2018		Single storey extension and loft
18/0155	LPS	48 Parkway, Prestwich, Manchester, M25 0JB
23/05/2018		Demolition work begun on property
18/0112	LPS	484 Bolton Road West, Ramsbottom, Bury, BL0 9RU
24/04/2018		Erection of 2.5 metre high fence at rear
18/0140	LPS	49 Rainsough Brow, Prestwich, Manchester, M25 9XW
14/05/2018		Change of use to Car wash
18/0127	LPS	5 Alfred Street, Ramsbottom, Bury, BL0 9NZ; 6 Mary Street, Ramsbottom, Bury, BL0 9PB
03/05/2018		Erection of fencing
18/0117	MH	5 Oakdale Close, Whitefield, Manchester, M45 7LU
27/04/2018		Erection of fencing at rear
18/0166	LPS	518 Bolton Road, Bury, BL8 2DU
05/06/2018		Erection of extension
18/0188	PK	6 Outwood Road, Radcliffe, Manchester, M26 1AQ
21/06/2018		Single storey rear extension
18/0090	LPS	62 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DE
09/04/2018		Change of use of land / extension of garden; walls, pavements and patio area
18/0152	LPS	63 Sandy Lane, Prestwich, Manchester, M25 9PS
21/05/2018		Breach of conditions 3 & 4 of planning permission 61769
18/0163	LPS	66 Church Street West, Radcliffe, Manchester, M26 2SY
31/05/2018		Erection of fence
18/0138	LPS	67 Sheepfoot Lane, Prestwich, Manchester, M25 0DN
10/05/2018		Erection of outbuilding

18/0167	PK	68 Ringley Road, Whitefield, Manchester, M45 7LN
05/06/2018		Untidy land and derelict property
18/0178	PK	7 Brightwater Close, Whitefield, Manchester, M45 8SE
13/06/2018		Erection of 6ft fence adjacent to the highway
18/0135	MH	7 Fairfax Road, Prestwich, Manchester, M25 1AS
10/05/2018		Erection of fence and formation of decking / smoking area
18/0123	MH	7 Mellor Street, Prestwich, Manchester, M25 3HT
01/05/2018		Erection of dormer at rear
18/0098	MH	70 Croft Lane, Bury, BL9 8BX
11/04/2018		Change of use to office
18/0087	MH	72 Park Road, Prestwich, Manchester, M25 0FA
09/04/2018		Breach of Condition 62178
18/0102	MH	75 Albert Avenue, Prestwich, Manchester, M25 0LU
18/04/2018		Not being built in accordance with the approved plans of application 60905
18/0108	MH	8 Milltown Street, Radcliffe, M26 1WD
20/04/2018		Extension of garage unit at rear
18/0133	MH	8 Roch Crescent, Whitefield, Manchester, M45 8RX
08/05/2018		Porch at front
18/0114	MH	853 & 857 Manchester Road, Bury, BL9 9TP
25/04/2018		Breach of conditions 3,5 and 6 of 61239
18/0134	LPS	88A Hollins Lane, Bury, BL9 8AH
08/05/2018		Breach of Conditions
18/0157	LPS	9 Apollo Avenue, Bury, BL9 8HG
25/05/2018		Erection of decking
18/0191	LPS	9 Beechwood Avenue, Ramsbottom, Bury, BL0 0BH
25/06/2018		CCTV cameras on front elevation
18/0103	LPS	9 Stubbins Lane, Ramsbottom, Bury, BL0 0PU
18/04/2018		Erection of fencing on top of existing single storey rear extension
18/0130	MH	9 Westbourne Avenue, Whitefield, Manchester, M45 7RY
08/05/2018		Replace front garden with tarmac driveway

18/0093	MH	92 Butterstile Lane, Prestwich, Manchester, M25 9PP
10/04/2018		Building works have commenced before decision made on planning application 62581
18/0190	PK	94 Harper Fold Road, Radcliffe, Manchester, M26 3UB
25/06/2018		Single storey rear extension
18/0174	LPS	96 Longsight Road, Ramsbottom, Bury, BL0 9SZ
11/06/2018		Untidy land and property
18/0106	LPS	Ainsworth Mill, Bury New Road, Bolton, BL2 6QG
19/04/2018		Unauthorised extension of building
18/0139	LPS	Ash Grove, Prestwich, Manchester, M25 3DS
14/05/2018		Mobile car veleting service parked up on residential street
18/0187	LPS	Barnbrook Building, Barnbrook Street, Bury, BL9 7DT
21/06/2018		Engineering works
18/0203	LPS	Boaredge Farm, Woodgate Avenue, Woodgate Hill, Bury, BL9 6UQ
29/06/2018		Living in a caravan and running a business (puppy farm)
18/0116	LPS	Burnt House Farm, Turton Road, Tottington, Bury, BL8 3QF
26/04/2018		Infilling of land / deposit of waste
18/0096	MH	Cussons Sons and Co Ltd, Kersal Vale Road, Prestwich, Salford, M7 0GL
10/04/2018		Untidy land
18/0142	LPS	Elton High School, Walshaw Road, Bury, BL8 1RN
14/05/2018		Breach of conditions (58279)
18/0107	MH	Farmers Arms, Simister Lane, Prestwich, Manchester, M25 2SU
19/04/2018		Not built according to plan
18/0146	LPS	Fernhill Mill, Hornby Street, Bury, BL9 5BE
15/05/2018		Breach of condition no. 4 (gym opening hours) of p/p 51343; Change of use of unit to frozen food shop with generator (below gym)
18/0095	MH	Field near to Newbank Garden Centre, Irwell Bank Farm, Bury Road, Radcliffe, M26 2WX
10/04/2018		Untidy land
18/0192	PK	Former Toppings Butchers, 11 Bolton Street, Ramsbottom, Bury, BL0 9HU
25/06/2018		Alterations to shop front
18/0120	LPS	Ginnel/Walkway between Walshaw Road & Warwick Close, Bury
30/04/2018		Erection of fencing

18/0148	LPS	Higher House, Moor Road, Ramsbottom, Bury, BL8 4NX
16/05/2018		Windows installed not in accordance with the approved plans
18/0082	LPS	Higher Spen Moor, Bury And Bolton Road, Radcliffe, Manchester, M26 4LB
05/04/2018		Alterations not conforming to plan (60992) - Digging out wider junction and opposite the wrong block of houses
18/0144	MH	J O Transport, Wellington Works, Stopes Road, Radcliffe, Bolton, BL3 1NP
15/05/2018		Unauthorised advertisement
18/0143	LPS	Land a Spen Moor (Tudor Grange), Bury and Bolton Road, Radcliffe, Manchester, M26 4JY
14/05/2018		Breach of condition (58810) - Construction traffic management plan
18/0162	LPS	Land adj to Gorsey Clough Nursing Home, Harwood Road, Tottington, Bury, BL8 3PT
30/05/2018		Siting of caravan, and sheds with construction of soil wall
18/0189	PK	Land adjacent 37b Bury Old Road, Ainsworth, Radcliffe, Bolton, BL2 5PJ
21/06/2018		Untidy land
18/0091	MH	Land At Bank Street, Whitefield, Manchester, M45 7JF
10/04/2018		Not being built in accordance with approved plans of planning permission 60901
18/0129	MH	Land at rear of 152-156 Bury New Road, Whitefield, Manchester, M45 6AD
08/05/2018		Siting of containers
18/0100	LPS	Land at Spen Moor (Tudor Grange), Bury and Bolton Road, Radcliffe, Manchester, M26 4JY
16/04/2018		Breach of condition (58810) - Construction traffic management plan
18/0084	LPS	Land at Spen Moor, Bury And Bolton Road, Radcliffe, Manchester, M26 4JY
05/04/2018		Engineering operation and lopping of tree
18/0150	LPS	Land between 13 & 14 Scholes Walk, Prestwich, Manchester, M25 0AZ
21/05/2018		Untidy land
18/0131	MH	Land off Dumers Lane & Morris Street, Radcliffe, Manchester, M26 2HF
08/05/2018		Breach of conditions 3 & 4 of p/p 55584
18/0121	LPS	Land off Harwood Road, Tottington, Bury, BL8 3PT
01/05/2018		Change of use to plant storage
18/0124	LPS	Land off Lowercroft Road, Bury, BL8 3PA
01/05/2018		Siting of caravan in field
18/0094	MH	Land Off Roach Bank Road, Bury, BL9 8RQ
10/04/2018		Untidy land

18/0089	LPS	Land To The North Of Roach Bank Inn, Croft Lane, Bury, BL9 8QH
09/04/2018		Change of use of land to car park and erection of gates
18/0109	MH	Lidl Store, Dale Street, Radcliffe, Manchester, M26 1AA
20/04/2018		Breach of condition no. 14 of planning approval 60908
18/0176	LPS	Loebank Farmhouse, Bolton Road, Tottington, Bury, BL8 4JA
12/06/2018		Siting of container
18/0119	LPS	Lyons Stonework, Unit 2, Hope Mill, Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0ES
30/04/2018		Storage container on site and untidy land
18/0175	LPS	Mozzarella, 5 Kings Road, Prestwich, Manchester, M25 0LE
12/06/2018		Erection of flue
18/0169	LPS	Nik's Greek Taverna, 36 Haymarket Street, Bury, BL9 0AY
07/06/2018		Erection of roller shutter
18/0099	LPS	Paul Anthony Commercials, Bury Road, Tottington, Bury, BL8 3DT
11/04/2018		Subdivision of unit
18/0173	PK	Red Bridge Inn, Bury Old Road, Ainsworth, Radcliffe, Bolton, BL2 5PJ
11/06/2018		Untidy land
18/0128	LPS	Rose Bank, Ainsworth Hall Road, Ainsworth, Radcliffe, Bolton, BL2 5RX
03/05/2018		Works to trees
18/0181	PK	Royal Hotel, 262 Bury Road, Tottington, Bury, BL8 3DT
15/06/2018		Creation of raised seating area and outdoor bar
18/0179	PK	Sedgley Park Rufc, Park Lane, Whitefield, Manchester, M25 7PA
14/06/2018		Erection of gates
18/0199	PK	St Johns Court, Ramsbottom, Bury, BL0 9BB
27/06/2018		Plastic windows fitted
18/0195	LPS	The Old Vicarage, 1 Ainsworth Hall Road, Ainsworth, Radcliffe, Bolton, BL2 5RX
26/06/2018		Works to trees
18/0126	LPS	Tithebarn, Tithebarn Street, Radcliffe, Manchester, M26 9PY
02/05/2018		Works to a listed building
18/0156	LPS	Twine Valley Farm, Church Road, Shuttleworth, Ramsbottom, Bury, BL0 0EH
25/05/2018		Engineering operations and change of use of land to tipping of materials

18/0185	LPS	Wellington Barracks Club, Bolton Road, Tottington, Bury, BL8 2PL
20/06/2018		Siting of 4 no. containers

18/0180	PK	Woodhey Farm, Woodhey Road, Ramsbottom, Bury, BL0 9RD
15/06/2018		Running car valeting business from home

18/0111	MH	Woodland View, Valley Park Road/Clifton Road, Prestwich, Manchester, M25 3TG
23/04/2018		Breach of condition no.6 (drainage) of approved planning application 58655

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Number of Complaints	122
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